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No. 216

HOME SECRETARIAT

NOTIFICATION

Bangalore, dated the 10th October 1967.

G.S.R. 447.—The following draft of the Mysore Excise (Cutting and removal of date leaves and dead wood) Rules, 1967, which the Government of Mysore proposes to make in exercise of powers conferred by section 71 of the Mysore Excise Act, 1965 (Mysore Act No. 21 of 1966), and in supersession of all rules, orders and notifications on the subject made or issued under any enactment repealed by section 72 of the said Act, is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 25th October 1967.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government before the aforesaid date, will be considered by the Government of Mysore. Objections or suggestions may be addressed to the Secretary to Government, Home Department, Vidhana Soudha, Bangalore-1.

1. Title, extent and commencement.—(1) These Rules may be called the Mysore Excise (Cutting and removal of date leaves and dead wood) Rules, 1967.

(2) They shall extend to all the areas where the Mysore Excise Act, 1965 is in force.

(3) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires :—

(*a*) "Act" means, the Mysore Excise Act, 1965;

(*b*) "Licence" means, a licence granted under these rules;

(*c*) "Licensee" means, a person holding the licence issued under these rules.

3. Cutting to be under licence.—(1) No person shall cut or remove dead date wood or leaves from date trees belonging to or under the control of the State Government except under a licence obtained in accordance with these rules:

Provided that in localities where date groves are in excess of demand for toddy or may not be required for supply of toddy elsewhere or where Kir-ichal (Phoenix Farinifera) is not available, persons who are not professional rope makers, basket makers or mat makers may be allowed, free of charge, the use of date leaves to be required for making ropes or for any other *bona fide* agricultural purposes.

Provided further that in such localities as may be specified by the Deputy Commissioner, any manufacturer of jaggery or a potter who pays "mohatarfa" tax may be permitted to remove dry date leaves for fuel free of charge:

Provided also that no licence shall be necessary for cutting or using leaves of date trees when such cutting is incidental to drawing toddy.

(2) Professional rope makers, basket makers, mat makers and others not entitled to use date leaves free of charge under sub-rule (1) may be granted a licence for

removal of date leaves on payment of fees at the following rates, namely :—

(a) For a period not exceeding 6 months... Rs. 6

(b) For a period exceeding six months .... Rs. 12

(3) No licence shall be granted in the localities where Kir-ichal is available or where date trees are rare or not sufficient for the purposes of drawing toddy.

(4) No licence shall be granted for a period exceeding one year.

4. App ication for licence :— (1) Any person desiring to obtain a licence under these rules may apply to the Deputy Commissioner for the same.

(2) The application shall be accompanied by the prescribed fee.

(3) The Deputy Commissioner may, after such enquiry as he deems fit, grant the licence.

(4) The licence shall be issued in form No. I and the licensing authority shall specify therein the number of head or cart loads of the leaves permitted to be removed from the date trees at a time.

(5) The licence shall not be transferable and no person except the licensee or a member of his family or a *bona fide* servant of his shall cut the date leaves under the licence.

(6) The licence shall be produced whenever required by an Officer of the Excise, Police or Revenue Department, not below the rank of an Excise Assistant Inspector, Police Sub-Inspector or Revenue Inspector, as the case may be.

(7) The licensee shall return the licence to the Excise Department after its period has expired.

5. Conditions of the licence :—Every licensee and every person permitted to cut the dead date wood or leaves shall

while cutting the date leaves comply with the following conditions, namely :—

(*a*) No leaves shall be cut or removed from the groves other than such as may be specified in the licence.

(*b*) No leaves shall be removed from the trees of the groves which have been reserved for tapping toddy.

(*c*) No leaves shall be cut from young and immature trees, the trunk of which is less than 1.83 metres in height from the ground to the point of springing of the branches.

(*d*) Only two leaves from each tree will be removed in one year.

(*e*) The four tender leaves including the central shoot shall on no account be removed.

6. Permission to cut trees in certain cases.—The Deputy Commissioner may permit an agriculturist to cut the dead date trees for *bona fide* building purposes from the groves which are not reserved for drawing toddy and issue a permit in this behalf.

(2) In localities where fuel is scarce, the Deputy Commissioner may permit the use of dry date leaves and unserviceable dead wood as firewood for *bona fide* use as fuel for domestic purposes but not for sale.

(3) During a famine or scarcity or drought seasons the Deputy Commissioner may permit the cutting of date leaves from the trees which are not reserved for drawing toddy for being used as fodder.

7. Cutting from Bagini and Palmyra trees.—These rules shall be applicable, *mutatis mutandis*, for the cutting and removal of dead wood and of leaves of Bagini and Palmyra trees, other than Kir-ichal or Hul-ichal.

8. **Repeal and Savings.**—All rules corresponding to the foregoing rules framed under any enactment repealed by section 72 of the Act are hereby repealed :—

Provided that the repeal shall not affect—

(*a*) The previous operation of the rules so repealed or anything duly done or suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any rule so repealed, or

(*d*) any investigation or legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rules had not been repealed :

Provided further that subject to the preceding provisions anything done or any action taken (including any appointment or delegation made, notification, order, instructions or direction issued from, certificate obtained, permit or licence granted or registration effected under any such rules) shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules as the case may be.

FORM No. I

(*See* Rule 4)

Form of licence for the cutting and removal of date leaves on lands at the disposal of Government other than State Forests.

1. Taluk.....
2. Village.....
3. Licence number.....
4. Name and address of the licensee.....
5. Profession of licentee..... .....
6. Quantity covered by the licence..... .....
7. Date groves from which date leaves should be cut.....
8. For what purpose date leaves or dead wood required.....
9. Time within which the licence should be returned.....
10. Date..... .....

To be in triplicate.....

1. Original, for record in Taluk Office.....
2. Duplicate for the applicant.....
3. Triplicate for transmission to the Range Officer.....

Signature and Designation
of the Officer.

[HD 75 EFL 67.]

By Order and in the name of the Governor of Mysore,

M. G. KRISHNA,
Under Secretary to Government,
Home Department.

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by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.